

1 **ROVER ARMSTRONG**

2 *A PROFESSIONAL CORPORATION*

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10 Attorneys for Plaintiff

11 **F.K.G., Inc. dba The Lighthouse**

FILED

Superior Court of California
County of Riverside

5/8/2019

M. Allen

By Fax

7 **SUPERIOR COURT OF CALIFORNIA**

8 **COUNTY OF RIVERSIDE**

9 F.K.G., Inc. dba The Lighthouse, a California
10 corporation,

11 Plaintiff,

12 vs.

13 THE COACHELLA LIGHTHOUSE, LLC, a
14 California limited liability company; THE
15 COACHELLA LIGHTHOUSE 2, LLC, a
16 California limited liability company; THE
17 LIGHTHOUSE PALM SPRINGS, LLC, a
18 California limited liability company; and DOES
19 1 through 50,

20 Defendants.

Case No.: **PSC1903151**

**PLAINTIFF'S COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF:**

1. **DECLARATORY RELIEF;**
2. **MISLEADING ADVERTISING;**
3. **UNLAWFUL BUSINESS PRACTICES;**
4. **UNFAIR BUSINESS PRACTICES;**
5. **IMPROPER USE OF TRADE NAME**

21 Plaintiff F.K.G., Inc., a California corporation doing business as The Lighthouse, files
22 this Complaint and alleges:

23 **THE PARTIES**

24 1. Plaintiff F.K.G., Inc. (hereinafter "Plaintiff") at all times mentioned herein was
25 and is a California corporation doing business as "The Light House" and also known as "The
26 Lighthouse" with its principal place of business in the City of Palm Desert, County of Riverside,
27 State of California.

28 2. Defendant THE COACHELLA LIGHTHOUSE, LLC at all times mentioned
herein was and is a California limited liability company with its principal place of business in the

1 City of Coachella, County of Riverside, State of California.

2 3. Defendant THE COACHELLA LIGHTHOUSE 2, LLC at all times mentioned
3 herein was and is a California limited liability company with its principal place of business in the
4 City of Coachella, County of Riverside, State of California

5 4. Defendant THE LIGHTHOUSE PALM SPRINGS, LLC at all times mentioned
6 herein was and is a California limited liability company with its principal place of business in the
7 City of Palm Springs, County of Riverside, State of California.

8 5. Defendants named herein as DOES 1 through 10, inclusive, are sued herein under
9 fictitious names. Their true names and capacities are unknown to Plaintiff. When their true
10 names and capacities are ascertained, Plaintiff will amend this Complaint by inserting their true
11 names and capacities. Plaintiff is informed and believes and thereon alleges that each of the
12 fictitiously named Defendants is responsible in some manner for the occurrences herein alleged
13 and that Plaintiff's damages as herein alleged were proximately caused by their conduct.

14 6. Plaintiff is informed and believes and thereon alleges that at all times herein
15 mentioned, each of the Defendants, including DOES, were acting as the agents, servants, and
16 employees of their co-defendants, and in doing the things hereinafter alleged were acting within
17 the scope of their authority as such agents, servants, and employees, and with the permission and
18 consent, either express or implied of each of their co-defendants.

19 **VENUE**

20 7. Venue is proper in this Court pursuant to *Code of Civil Procedure* section 395.5.

21 **GENERAL ALLEGATIONS**

22 8. Plaintiff realleges and incorporates herein paragraphs 1 through 7, inclusive, of
23 this Complaint as though fully set forth herein.

24 9. Plaintiff is a well-known, well-regarded, high quality lighting, home décor, and
25 ceiling designer and dealer. Plaintiff has showrooms in La Quinta, California and Palm Desert,
26 California. Plaintiff has operated in the Coachella Valley since 2002, and was nominated for
27 "Best Lighting Showroom" in both 2004 and 2007. Plaintiff advertises extensively in Riverside
28 County, California, and especially throughout the Coachella Valley. Plaintiff recorded a fictitious

1 business name statement in the County of Riverside in 2004, which was refiled on the day it
2 expired in 2009, and against in 2014. The current statement does not expire until August 21,
3 2019.

4 10. In 2018, Plaintiff became aware of Defendant THE COACHELLA
5 LIGHTHOUSE, LLC (hereafter "Defendant"), operating under the name "THE
6 LIGHTHOUSE."

7 11. Plaintiff was asked by clients and colleagues on several occasions during 2018
8 about Defendant.

9 12. In or about September 2018, a client and colleague of Plaintiff brought to
10 Plaintiff's attention that Defendant was advertising on a locally-owned and -operated website.

11 13. On or about October 9, 2018, Plaintiff sent Defendant a cease-and-desist letter,
12 demanding that Defendant cease operating its use of the name "THE LIGHTHOUSE." A true
13 and correct copy of that letter is attached hereto and incorporated herein as Exhibit "A."

14 14. On or about October 24, 2018, Defendant's counsel sent Plaintiff its response,
15 effectively saying that Defendant had no intention of operating under another name. A true and
16 correct copy of that letter is attached hereto and incorporated herein as Exhibit "B."

17 15. On or about January 5, 2019, an individual named "Erik Khan" attempted to leave
18 a Google review regarding Plaintiff.¹ The review begins "Staff is very friendly. The dispensary
19 itself is very clean and organized..." The two-star (of five) review was clearly meant for
20 Defendant, not for Plaintiff.

21 **FIRST CAUSE OF ACTION**

22 **DECLARATORY RELIEF**

23 **(Against All Defendants)**

24 16. Plaintiff realleges and incorporates herein paragraphs 1 through 15, inclusive, of
25 this Complaint as though fully set forth herein.

26 17. Plaintiff alleges that an actual controversy exists as to the following issues:
27

28

¹ The review was only "attempted" in this case because proprietors must enable Google reviews, a feature which Plaintiff had not yet enabled.

1 17.1 Defendant has used and is currently using Plaintiff's name in the operation
2 of Defendant's business to the detriment of Plaintiff's business.

3 17.2 Defendant's use of Plaintiff's name in the operation of Defendant's
4 business has already led to actual confusion of the businesses.

5 17.3 Defendant's use of Plaintiff's name in the operation of Defendant's
6 business will likely, if it has not already, have an adverse effect Plaintiff's goodwill due to the
7 perceived association or perceived unity of Plaintiff's and Defendant's businesses.

8 18. Plaintiff desires a judicial determination of its rights and duties, and a declaration
9 as to the Plaintiff's right to the exclusive right to the use of "THE LIGHTHOUSE" name.

10 19. Plaintiff alleges that a judicial declaration is necessary and appropriate at this time
11 under the circumstances in order that Plaintiff may operate its business without, *inter alia*, the
12 inevitable confusion and loss of goodwill that comes with Defendant's use of Plaintiff's name.

13 **SECOND CAUSE OF ACTION**

14 **MISLEADING ADVERTISING**

15 **(Against All Defendants)**

16 20. Plaintiff realleges and incorporates herein paragraphs 1 through 19, inclusive, of
17 this Complaint as though fully set forth herein.

18 21. Plaintiff has operated its business under the name "THE LIGHTHOUSE" in the
19 Coachella Valley since 2002. In that time, Plaintiff developed substantial goodwill, a loyal
20 customer base, and an excellent reputation.

21 22. Defendant currently operates its cannabis dispensary business under the name
22 "THE LIGHTHOUSE."

23 23. Plaintiff is informed and believes and thereon alleges that Defendant's operation
24 of that business using the name "THE LIGHTHOUSE" includes advertising extensively
25 throughout the Coachella Valley, including video advertisements, online advertisements, and
26 written advertisements.

27 24. Plaintiff is informed and believes and thereon alleges that an actual customer of
28 Defendant wrote an internet review of Plaintiff based on that customer's actual confusion of

1 Plaintiff and Defendant.

2 25. Plaintiff is informed and believes and thereon alleges that others have been, are,
3 or will likely be deceived by Defendant's use of Plaintiff's name.

4 26. Plaintiff is concerned that Defendant's use of the name "THE LIGHTHOUSE" in
5 the operation of its cannabis business will have an adverse effect Plaintiff's goodwill due to the
6 perceived association or perceived unity of Plaintiff's and Defendant's businesses.

7 **THIRD CAUSE OF ACTION**

8 **UNLAWFUL BUSINESS PRACTICES**

9 **(Against All Defendants)**

10 27. Plaintiff realleges and incorporates herein paragraphs 1 through 26, inclusive, of
11 this Complaint as though fully set forth herein.

12 28. Plaintiff has operated its business under the name "THE LIGHTHOUSE" in the
13 Coachella Valley since 2002. In that time, Plaintiff developed substantial goodwill, a loyal
14 customer base, and an excellent reputation.

15 29. Defendant currently operates its cannabis dispensary business under the name
16 "THE LIGHTHOUSE."

17 30. Plaintiff is informed and believes and thereon alleges that Defendant's operation
18 of that business using the name "THE LIGHTHOUSE" includes advertising extensively
19 throughout the Coachella Valley, including video advertisements, online advertisements, and
20 written advertisements.

21 31. Plaintiff is concerned that Defendant's use of the name "THE LIGHTHOUSE" in
22 the operation of its cannabis business will have an adverse effect Plaintiff's goodwill due to the
23 perceived association or perceived unity of Plaintiff's and Defendant's businesses.

24 32. Plaintiff is informed and believes and thereon alleges that Defendant's operation
25 of that business using the name "THE LIGHTHOUSE" violates *Corporations Code* section
26 17701.08(b) and/or (c).

27 33. Plaintiff is informed and believes and thereon alleges that Defendant's operation
28 of that business using the name "THE LIGHTHOUSE" violates *Corporations Code* section 201.

1 34. Plaintiff is informed and believes and thereon alleges that Defendant has failed to
2 file a fictitious business name certificate pursuant to *Business & Professions Code* section 17900.

3 **FOURTH CAUSE OF ACTION**

4 **UNFAIR BUSINESS PRACTICES**

5 **(Against All Defendants)**

6 35. Plaintiff realleges and incorporates herein paragraphs 1 through 34, inclusive, of
7 this Complaint as though fully set forth herein.

8 36. Plaintiff has operated its business under the name "THE LIGHTHOUSE" in the
9 Coachella Valley since 2002. In that time, Plaintiff developed substantial goodwill, a loyal
10 customer base, and an excellent reputation.

11 37. Defendant currently operates its cannabis dispensary business under the name
12 "THE LIGHTHOUSE."

13 38. Plaintiff is informed and believes and thereon alleges that Defendant's operation
14 of that business using the name "THE LIGHTHOUSE" includes advertising extensively
15 throughout the Coachella Valley, including video advertisements, online advertisements, and
16 written advertisements.

17 39. Plaintiff is informed and believes and thereon alleges that an actual customer of
18 Defendant wrote an internet review of Plaintiff based on that customer's actual confusion of
19 Plaintiff and Defendant.

20 40. Plaintiff is informed and believes and thereon alleges that others have been, are,
21 or will likely be deceived by Defendant's use of Plaintiff's name.

22 41. Plaintiff is concerned that Defendant's use of the name "THE LIGHTHOUSE" in
23 the operation of its cannabis business will have an adverse effect the goodwill that Plaintiff has
24 developed due to the perceived association or perceived unity of Plaintiff's and Defendant's
25 businesses.

26 ///

27 ///

28 ///

FIFTH CAUSE OF ACTION
IMPROPER USE OF TRADE NAME
(Against All Defendants)

42. Plaintiff realleges and incorporates herein paragraphs 1 through 41, inclusive, of this Complaint as though fully set forth herein.

43. Plaintiff has operated its business under the name "THE LIGHTHOUSE" in the Coachella Valley since 2002. In that time, Plaintiff developed substantial goodwill, a loyal customer base, and an excellent reputation.

44. Defendant currently operates its cannabis dispensary business under the name "THE LIGHTHOUSE."

45. Plaintiff is informed and believes and thereon alleges that Defendant's operation of that business using the name "THE LIGHTHOUSE" includes advertising extensively throughout the Coachella Valley, including video advertisements, online advertisements, and written advertisements.

46. Plaintiff is informed and believes and thereon alleges that an actual customer of Defendant wrote an internet review of Plaintiff based on that customer's actual confusion of Plaintiff and Defendant.

47. Plaintiff is informed and believes and thereon alleges that others have been, are, or will likely be deceived by Defendant's use of Plaintiff's name.

48. Plaintiff is concerned that Defendant's use of the name "THE LIGHTHOUSE" in the operation of its cannabis business will have an adverse effect Plaintiff's goodwill due to the perceived association or perceived unity of Plaintiff's and Defendant's businesses.

WHEREFORE, Plaintiff prays for Judgment against Defendant, and each of them, as follows:

AS TO THE FIRST CAUSE OF ACTION

1. For a judicial declaration of the parties' rights and duties with respect to Plaintiff's and Defendant's business names;

2. For costs of suit herein incurred; and

3. For such other relief as the court may deem proper;

AS TO THE SECOND CAUSE OF ACTION

4. For an injunction against Defendant's continued use of the name "THE LIGHTHOUSE";

5. For reasonable attorneys' fees;

6. For costs of suit herein incurred; and

7. For such other relief as the Court deems proper;

AS TO THE THIRD CAUSE OF ACTION

8. For an injunction against Defendant's continued use of the name "THE LIGHTHOUSE";

9. For reasonable attorneys' fees;

10. For costs of suit herein incurred; and

11. For such other relief as the Court deems proper;

AS TO THE FOURTH CAUSE OF ACTION

12. For an injunction against Defendant's continued use of the name "THE LIGHTHOUSE";

13. For reasonable attorneys' fees;

14. For costs of suit herein incurred; and

15. For such other relief as the Court deems proper;

AS TO THE FIFTH CAUSE OF ACTION

16. For statutory damages in an amount no less than \$1,000.00;

17. For an injunction against Defendant's continued use of the name "THE LIGHTHOUSE";

18. For reasonable attorneys' fees;

19. For costs of suit herein incurred;

20. For punitive damages; and

21. For such other relief as the Court deems proper;

///

1 **AS TO THE SIXTH CAUSE OF ACTION**

2 22. For an injunction against Defendant's continued use of the name "THE
3 LIGHTHOUSE";

4 23. For reasonable attorneys' fees;

5 24. For costs of suit herein incurred; and

6 25. For such other relief as the Court deems proper

7
8 Date: May 8, 2019

ROVER ARMSTRONG, A.P.C.

9
10 By: 

STEPHEN J. ARMSTRONG

GARRETT A. HECKMAN

Attorneys for Plaintiff

F.K.G., Inc. dba The Lighthouse

EXHIBIT A



75100 MEDITERRANEAN
PALM DESERT, CA 92211

www.RoverArmstrong.com

760 346-4741 office
760 346-3871 fax

October 9, 2018

VIA E-MAIL AND CERTIFIED U.S. MAIL

The Lighthouse Dispensary
84160 Avenue 48
Coachella, CA 92236
Phone: (442) 256-3627
E-Mail: info@lighthousedispensary.com

Re: *Cease & Desist Use of the Name "Lighthouse"*

To Whom it may concern:

This office represents The Light House Lighting & Ceiling Fan Showroom ("The Light House"). The Light House is a full-service lighting and ceiling fan showroom specializing in design, appropriate selections, licensed installation, and in-store financing. The Light House has been owned and operated in the Coachella Valley since 2002.

Our client recently became aware of your business, which operates under the name "The Lighthouse." Our client believes your use of the name not only causes an obvious likelihood of confusion from the perspective of prospective customers with its own tradename, but also constitutes dilution within the meanings of the *Business & Professions Code* section 14000 *et seq.*

Although formal registration constitutes presumptive evidence of ownership of trademark, it is not a required condition to establish a protectable proprietary interest. *North Carolina Dairy Foundation, Inc. v. Foremost-McKesson, Inc.* (1979) 92 Cal. App. 3d 98.

As you are now on notice of our client's use of this tradename, consider this as our formal demand that you cease and desist from any further infringement, disparagement, or dilution of the tradename "The Lighthouse." Specifically, we demand that you withdraw any pending federal and state applications related to "The Lighthouse" and engage in no further attempt to develop products and/or marketing strategies related thereto. While we understand that it may be unpleasant to change a business name, it seems that you are still in the initial stages and we suspect that the demands made herein can be implemented with a nominal amount of inconvenience. Please be advised that in the event you refuse to comply with our reasonable demands, we will seek all available remedies, but not limited to, compensatory damages, punitive and exemplary damages, attorney fees, and injunctive relief. We trust such will not be necessary and that these matters may be resolved informally.

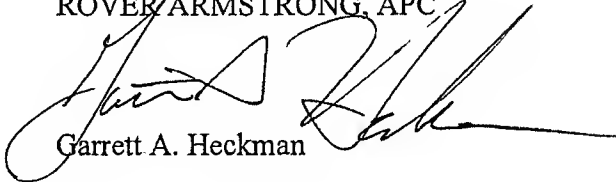
October 9, 2018

Page 2

Please advise whether you will comply with our requests by **October 12, 2018**. Should you wish to discuss this matter, please feel free to contact me. I look forward to hearing from you.

Very truly yours,

ROVER ARMSTRONG, APC

A handwritten signature in black ink, appearing to read "Garrett A. Heckman", written over the typed name.

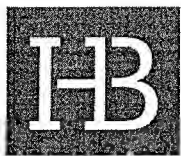
Garrett A. Heckman

GAH/

cc: Client

L100918.Lighthouse

EXHIBIT B



October 24, 2018

VIA EMAIL & CERTIFIED MAIL

The Lighthouse Lighting & Ceiling Fan Showroom
C/o Rover Armstrong
Attn: Garrett A. Heckman
75100 Mediterranean
Palm Desert, CA 92211

Re: Coachella Valley Lighthouse

Dear Mr. Heckman,

Our firm represents The Lighthouse Dispensary and we acknowledge receipt of your letter dated October 9, 2018. We do not agree with the assertions contained therein and do not believe there is a reasonable basis for any confusion. First, the parties' services are clearly very different, non-competitive and unrelated. Second, the mark LIGHTHOUSE appears to be diluted, as a search of the USPTO database (in addition to a Google search) retrieved numerous active records of businesses and lighting companies (including lighting companies in Southern California) using this term, suggesting that no one party has exclusive rights to this term and/or any rights would be narrowly protected. And finally, the use of the word "Light" in your client's mark is likely descriptive, given that your client is in the business of selling lighting fixtures. We disagree that your client has any valid claim for infringement, disparagement, or dilution, and your letter presents no facts that would indicate otherwise.

Sincerely,

Alison Malsbury
Attorney for The Lighthouse Dispensary

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Stephen J. Armstrong, SBN: 208047 Garrett A. Heckman, SBN: 306444 ROVER ARMSTRONG, A.P.C. 75100 Mediterranean Palm Desert, CA 92211 TELEPHONE NO.: (760)346-4741 FAX NO.: (760)346-3871 ATTORNEY FOR (Name): F.K.G., Inc. dba The Lighthouse		FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside STREET ADDRESS: 3255 E Tahquitz Canyon Way MAILING ADDRESS: 3255 E Tahquitz Canyon Way CITY AND ZIP CODE: Palm Springs 92262 BRANCH NAME: Palm Springs Courthouse		CASE NUMBER: <h2 style="margin: 0;">PSC1903151</h2>	
CASE NAME: F.K.G., Inc. v. The Coachella Lighthouse, et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): 1. Declaratory Relief 2. Misleading Advertising 3. Unlawful Business Practices 4. Unfair Business Practices 5. Improper Use of Trade Name
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 05/08/2019

Garrett A. Heckman

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims
(*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition